

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CALVIN BUTLER,	)	
	)	
Plaintiff,	)	Civil Action No. 2:13-243
	)	
v.	)	District Judge Nora Barry Fischer
	)	
JOHN WETZEL; <i>ET. AL</i> ;	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on February 14, 2013, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On February 19, 2013, the Magistrate Judge filed a Report and Recommendation (ECF No. 2) recommending that the Complaint be dismissed with prejudice in accordance with the screening provisions promulgated in the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim upon which relief can be granted. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had fourteen days to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 14th day of March, 2013;

**IT IS ORDERED** that the Complaint is **DISMISSED** with prejudice in accordance with the screening provisions promulgated in the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted and it would be futile

to allow Plaintiff the opportunity to amend.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF. No. 2) dated February 19, 2013, is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion to Proceed *In Forma Pauperis* (ECF No. 1) is **DENIED** as moot.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/Nora Barry Fischer  
Nora Barry Fischer  
United States District Judge

cc: Calvin Butler  
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(Halfway House)  
Gaudenzia Philly House  
2100 W Venango St  
Philadelphia, PA 19140